

REMARKS

The Office Action dated April 18, 2007, has been carefully considered. Claims 1-9 are currently pending. Applicant appreciates the Examiner's indication that Claims 3, 4, and 7-9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3 and 7 has been amended to include the subject matter of Claim 1 and any intervening claims and are believed to be in condition for allowance. Claims 4, 8 and 9 are dependent from Claim 3 or 7 and should also be in condition for allowance. Applicants request that the Examiner consider the following remarks, and then pass the application to allowance.

Rejection - 35 U.S.C. §102:

Claims 1 and 2 were rejected under 35 U.S.C. 102 as allegedly being anticipated by Yamanaka (U.S. Patent No. 3,586,820).

Claim 1 has been amended to recite a dryer for an electrically heated smoking device, comprising: a heater adapted to fit within a cigarette receiving portion of said electrically heated smoking device, said heater projecting from a base portion of said dryer, said base portion having an interface surface on which said electrically heated smoking device rests when said heater is positioned within said cigarette receiving portion of said electrically heated smoking device, and wherein the heater generates heat within said electrically heated smoking device to a temperature above 100 °C. (Emphasis added).

In contrast, Yamanaka relates to a hair curler, which includes a case with a lid in which a heater board is provided having a number of heater rods on which the curlers are placed. Accordingly, since Yamada does not teach or suggest a dryer for an electrically heating smoking device, which includes a heater as recited in Claim 1, which generates heat within said electrically heated smoking device to a temperature above 100 °C, Claim 1 should be allowable. Claim 2 is dependent from Claim 1, and for the reasons set forth above as to Claim 1, Claim 2 should be allowable.

Rejection - 35 U.S.C. §103:

Claims 5 and 6 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamanaka as applied to Claim 1 further in view of the skill of one having ordinary skill in the art of heating elements.

Claims 5 and 6 are dependent from Claim 1 and for the reasons set forth above as to Claim 1, Claims 5 and 6 should be allowable.

Conclusion

In the event that there are any questions concerning this Amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,

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